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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ramon Tam et al.
Serial No.: 10/603,300
Conf. No.: 3228
Filed: 6/25/2003
For: RECIPROCATING CUTTING TOOL
WITH ORBITAL ACTION
Art Unit: 3724
Examiner:

I hereby certify that this paper is being deposited with the United States Postal Service as FIRST-CLASS mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

6/29/04 *[Signature]*
Date Registration No. *26714*
F-CLASS.WCM
Appr. February 20, 1998 Attorney for
Applicant(s)

PETITION TO MAKE SPECIAL PURSUANT TO 37 C.F.R. 1.102

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants submit this petition to make special because of actual infringement of claims 22-25 and 27-29. The actual infringement is a model SPLJ65UL jigsaw manufactured by GMC or Global Machinery Company. This product is presently being marketed in the United States and the product has been purchased, deconstructed, analyzed and photographed. Photographs of the jigsaw and its components are attached to this petition as is the Instruction Manual of the GMC jigsaw.

A check in the amount of \$130.00 is enclosed pursuant to the fee requirement of 37 C.F.R. 1.17(h). If this amount is insufficient or if the check is lost, please charge Deposit Account 07-2069 for the required fee.

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Search and Relevance of Prior Art

A careful and thorough search of the prior art has been made and none of the prior art references located are believed to teach or suggest the jigsaw claimed in claims 22-25 and 27-29. The field of search comprised Class 30, subclasses 392, 393 and 394 and Class 83, subclass 747. The Bone patent 4,693,009 is directed to a jigsaw that has a strolling knob for scrolling, but does not have orbital action. The Giacometti 5,819,421 is directed to a jigsaw that has an orbital operating mechanism but it does not have any scrolling capability. The Sasaki 6,370,781 is directed to a reciprocating saw that has an adjustable length of stroke, but does not disclose either scrolling or orbital motion. The Skil Instruction Manual shown on page 5 has a model number 4470 that is capable of having orbital as well as scrolling capability and is illustrated in Fig. 2. This model of jigsaw has an orbital action that is produced by a mechanism located near the top of the jigsaw, i.e., near the scrolling knob by a mechanism that is not shown. Copies of each of the three references and the Skil Instruction Manual are enclosed and these references (with the exception of the Skil Instruction Manual) have previously been identified in an IDS which has been filed with the above-referenced application.

The Skil jigsaw does not have orbiting motion produced by “a swivel bracket mechanism selectively positioned to exert an orbital force to a rear edge of the blade and cause said plunger to exhibit pivotal movement” as claimed in claim 23 or “a selector mechanism for alternatively selecting scrolling and orbital movement, said selector mechanism having a rocker member selectively positioned to exert an orbital force to a rear edge of the blade” as claimed in claim 28 or “a drive mechanism . . . , said mechanism being configured to exert an orbital force to an attached blade during orbital operation” as set forth in Claim 29.

Neither the enclosed prior art references nor any other prior art known to applicants

or the undersigned teach or suggest an electric jigsaw that has a pivotal or orbiting capability together with a rotational or scrolling capability wherein the jigsaw creates the orbital action by exerting an orbital force to the rear edge of the blade.

Showing of Infringement

It is the opinion of the undersigned that the GMC jigsaw unquestionably infringes the claims set forth in the following claim chart. Reference is made to Figs. 1-8 which are photographs of components of the GMC jigsaw. As is evident, each element of each claim finds a positive response, thereby demonstrating literal infringement of the claims.

A claim chart of claims 22-25 and 27-29, together with the Instruction Manual and photographs of the jigsaw provide a detailed analysis of infringement.

Claims of the Application	Infringement by GMC Jigsaw
22. An electric jigsaw, comprising:	Yes. The GMC jigsaw is an electric jigsaw. See GMC Instruction Manual.
a housing;	Yes. It has a housing as shown in Fig. 1.
a power source disposed within said housing;	Yes. It has a motor as shown in Figs. 3 and 5.
a main linkage disposed within said housing and connected to said power source;	Yes. It has a main linkage as best shown in Fig. 3, where the motor output shaft has radial fan, and drives a small gear that meshes with a large gear that drives a scotch yoke mechanism that reciprocates a plunger.
a plunger secured within said housing and connected to said linkage for reciprocating, pivotal and rotational movement, and having an end configured for receiving a blade; and	Yes. It has a plunger connected to said linkage for reciprocating and pivoting movement (Figs. 3, 4, 6) and rotating movement (Fig. 1). A blade holder is provided at its lower end. See pp 9-10 of GMC Instruction Manual.

a selector mechanism for selecting between said pivotal and said rotational movement of said plunger, and including a swivel bracket mechanism selectively positioned to exert an orbital force to a rear edge of the blade and cause said plunger to exhibit pivotal movement;

wherein said pivotal movement relates to orbital blade motion, and said rotational movement relates to scrolling blade motion.

23. The jigsaw of claim 22 further including a foot plate connected to said housing, said swivel bracket mechanism being operatively connected to at least one of said housing and said foot plate.

24. The jigsaw of claim 22 wherein said selector mechanism includes a transverse orbit pin and a scroll lock arm, said scroll lock arm being operatively connected to said orbit pin and being adjustable at least between a first position for preventing scrolling during pivoting motion by said plunger, and a second position preventing pivoting action and permitting rotational motion.

25. The jigsaw of claim 24 wherein said selector mechanism further includes a bottom bushing supporting a lower end of said plunger and accommodating pivotal movement of the plunger, said bottom bushing includes a track and a bushing block having at least one surface for engaging said track for guiding pivotal movement of said plunger.

Yes. It has a selector lever for selecting between pivotal and rotational movement as shown in Fig. 2 and as described on page 9 of the GMC Instruction Manual. It also has a swivel bracket with a rocker member that contacts the rear edge of the blade as shown in Figs. 1 and 6, as well as shown and described at page 10 of the GMC Instruction Manual under step 1 of the refitting a new blade section and as described on page 9.

Yes. See discussion immediately above and the GMC Instruction Manual generally.

Yes. It has a foot plate and swivel bracket mechanism as shown in Figs. 1 and 6 and page 7 of the GMC Instruction Manual.

Yes. It has a selector mechanism that includes a transverse orbit pin and scroll lock arm as shown in Figs. 5 and 7 and as described in the right column of page 9 of the GMC Instruction Manual.

Yes. It has a bottom bushing as well as a bushing block as shown in Figs. 2, 5, 7 and 8.

27. The jigsaw of claim 24 wherein said orbit pin is transversely mounted in said bottom bushing. Yes. It has an orbit pin transversely mounted in the bottom bushing as shown in Figs. 5, 6 and 7.
28. An electric jigsaw, comprising:
- a housing; Yes. The GMC jigsaw is an electric jigsaw. See GMC Instruction Manual. Yes. It has a housing as shown in Fig. 1 and in the Instruction Manual.
- a power source disposed within said housing; Yes. It has a motor as shown in Figs. 3 and 5.
- a main linkage disposed within said housing and connected to said power source; Yes. It has a main linkage as best shown in Fig. 3, where the motor output shaft has radial fan, and drives a small gear that meshes with a large gear that drives a scotch yoke mechanism that reciprocates a plunger.
- a plunger located within said housing and having an end configured for receiving a blade, said plunger being connected to said linkage and being capable of generally vertical reciprocating movement, rotational scrolling movement and orbital movement; and Yes. It has a plunger connected to said linkage for reciprocating and pivoting movement (Figs. 3, 4, 6) and rotating movement (Fig. 1). A blade holder is provided at its lower end. See pp 9-10 of GMC Instruction Manual.
- a selector mechanism for alternatively selecting scrolling and orbital movement, said selector mechanism having a rocker member selectively positioned to exert an orbital force to a rear edge of the blade. Yes. It has a selector lever for selecting between pivotal and rotational movement as shown in Fig. 2 and as described on page 9 of the GMC Instruction Manual. It also has a swivel bracket with a rocker member that contacts the rear edge of the blade as shown in Figs. 1 and 6, as well as shown and described at page 10 of the GMC Instruction Manual under step 1 of the refitting a new blade section and as described on page 9.
29. An electric jigsaw having scrolling and orbital operational capability, comprising:
- a housing; Yes. The GMC jigsaw is an electric jigsaw. See GMC Instruction Manual. Yes. It has a housing as shown in Fig. 1 and in the Instruction Manual.

a motor in said housing;	Yes. It has a motor as shown in Figs. 3 and 5.
a generally vertical elongated reciprocating plunger to which a blade can be attached at its lower end;	Yes. It has a plunger to which a blade can be attached at its lower end as shown in Figs. 3 and 6 and at pages 9-10 of the GMC Instruction Manual.
a drive mechanism interconnecting said motor and said plunger and supporting said plunger to facilitate reciprocating, scrolling and orbital movement, said mechanism being configured to exert an orbital force to an attached blade during orbital operation; and	Yes. It has a drive mechanism interconnecting the motor and said plunger and supporting said plunger to facilitate reciprocating scrolling and orbital movement and to exert an orbital force to an attached blade as shown in Figs. 1, 3, 5 and at pages 7 and 10 of the GMC Instruction Manual.
a selector mechanism for alternatively selecting scrolling and orbital operation.	Yes. It has a selector mechanism as shown in Figs. 1, 2 and at pages 7, and 9 of the GMC Instruction Manual.

Provisional Election Without Traverse

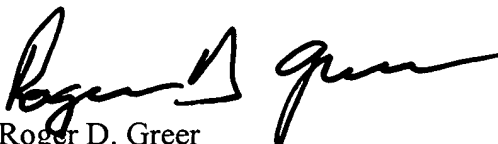
In the event that the Office determines that all claims of the application are not directed to a single invention, applicants provisionally elect, without traverse, claims 22-29 which are believed to be directed to a single invention.

Conclusion

From the foregoing, it has been demonstrated that these claims are unquestionably infringed by the GMC jigsaw. Petitioner has established that a thorough search has been done and that the prior art does not teach or suggest the claims as amended in a Preliminary Amendment that is being filed concurrently herewith. For these reasons, the petition to make special should be granted. Such action is respectfully requested.

Respectfully submitted,

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June 23, 2004

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